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Express Mail No. EV 452 773 341 US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Peter Palese

Confirmation No.: 7446

Serial No.: 09/724,427

Art Unit: 1636

Filed: November 28, 2000

Examiner: McKelvey, Terry A.

For: Recombinant Negative Strand
RNA Virus Expression Systems
and Vaccines

Attorney Docket No: 7682-053

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice To Comply With Requirements For Patent Applications Containing Sequence And/Or Amino Acid Sequence Disclosures ("Notice") dated July 28, 2004, Applicants hereby re-submit all previous submissions that were made with respect to the nucleic acid/protein sequences in connection with the above-identified patent application (the "Sequence Submissions"). These Sequence Submissions were mailed on November 7, 2001, April 19, 2002, April 23, 2003 and August 6, 2003, respectively. Copies of the return receipt postcards bearing the stamp of the U.S. Patent and Trademark Office are attached to the copies of the Sequence Submissions to show that the Sequence Submissions were received by the U.S. Patent and Trademark Office. A copy of the Sequence Listing in computer readable form is also submitted. Further, Applicants submit herewith a Petition for Extension of Time for one (1) month from August 28, 2004 to September 28, 2004 and a copy of the Notice.

In a telephone call on September 20, 2004 between the Examiner Terry Alan

McKelvey and Sebastian Martinek (Reg. No. 52,413) on behalf of Applicants' representative Laura A. Coruzzi (Reg. No. 30,742), Examiner McKelvey explained that even though the Sequence Submissions appeared to have been received, at least some of them were not scanned into the electronic file history of the above-identified application. Further, Examiner McKelvey asked that the Sequence Submissions be re-submitted.

Please charge any fee that may be required in connection with the present response to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed for accounting purposes.

Date: September 23, 2004

Respectfully submitted,

by *Jacqueline Benn*
Reg. No. 48,492

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

JONES DAY
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Express Mail No.: EL 501 759 272 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.

Confirmation No.: 7446

Application No.: 09/724,427

Art Unit: 1636

Filed: November 28, 2001

Examiner: McKelvey, Terry. A.

For: RECOMBINANT NEGATIVE STRAND
RNA VIRUS EXPRESSION SYSTEMS AND
VACCINES

Atty Docket No.: 7682-053-999

**TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING AND STATEMENTS
UNDER 37 C.F.R. § 1.825(a) AND (b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply") mailed January 24, 2003, Applicants submit herewith copies of a Substitute Sequence Listing in paper and computer readable forms (2 copies), to correct the deficiencies of the Sequence Listing.

Applicants have amended SEQ ID NO:62 to correct an inadvertent error that occurred during the preparation of the Sequence Listing. SEQ ID NO:62 has been corrected to correspond to the sequence shown on lines 5-11 at page 73 as oligo2 of the application as originally filed.

Applicants submit herewith a statement that the paper and computer-readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. § 1.825 on even date herewith, are the same. Applicants also submit a statement that the two computer-readable copies are identical. Applicants further submit herewith a statement that the paper and computer-readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. § 1.825 on even date herewith, do not include new matter. Accordingly, Applicants respectfully request that the Substitute Sequence Listing be entered in the instant application.

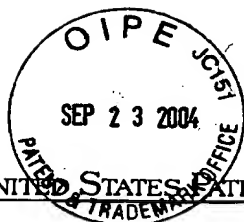
Respectfully submitted,

by: *Jacqueline Benn*
Reg No. 43,492

Date: April 23, 2003

Laura A. Coruzzi 30,742

Laura A. Coruzzi (Reg. No)
PENNIE & EDMONDS LLP
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New York, N.Y. 10036-2711
(212) 790-9090



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,427	11/28/2000	Peter Palese	7682-053

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

CONFIRMATION NO. 7446

FORMALITIES LETTER



OC00000006547844

Date Mailed: 09/13/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Ngan

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE